IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 26162 of 2007(M)

PETITIONERS:

LAKSHMIKUTTY AMMA, AGED 76,
D/O. LATE PARUKUTTY AMMA, CHERUVALA KALAPURACKAL HOUSE, POOVATHUMKADAVU DESOM,PAPPINIVATTOM VILLAGE KODUNGALLUR TALUK.

BY ADV. SRI.VARGHESE C.KURIAKOSE,
SRI.PRAVEEN K. JOY,
SMT.THANKOM.G,
SRI.E.M.MURUGAN.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REP. BY SECRETARY, MINISTRY OF HOME AFFAIRS,
   SECRETARIAT, TRIVANDRUM.

2. **THE SUPERINTENDENT OF POLICE,**
   THRISSUR, OFFICE OF THE SUPDT. OF POLICE,THRISSUR.

3. **THE CIRCLE INSPECTOR OF POLICE,**
   IRINJALAKKUDA, O/O. THE CIRCLE INSPECTOR,
   IRINJALAKKUDA.

4. **THE SUB INSPECTOR OF POLICE,**
   MATHIKALAM POLICE STATION, MATHILAKAM.

W.P.(C). NO.26162/2007:

5. AMBIKA DEVI, AGED 48,
D/O. LAKSHMIKUTTY AMMA, WORKING WITH DUBAI EMIRATES AIRLINES, APARTMENT 9 J, SARASWATHI NILAYAM, JAWAHAR NAGAR, THIRUVANANTHAPURAM.

6. KESAVA KAIMAL, AGED ABOUT 55,
S/O. GOVINDA KAIMAL, NOW RESIDING AT CHERUVALA KALAPURACKAL HOUSE, POOVATHUMKADAVU DESOM, PAPPINIVATTOM VILLAGE, KODUNGALLUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR),
GOVERNMENT PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.26162/2007-M:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SALE DEED NO. 402/93 OF S.R.O, MATHILAKAM.

EXT.P.2: COPY OF THE COMPLAINT ON 02/08/2006 WITH THE R.4. SUBMITTED BY THE PETITIONER.

EXT.P.3: COPY OF THE PETITION SUBMITED BY THE PETITIONER BEFORE THE R.2.

EXT.P.4: COPY OF THE PETITION SUBMITED BY THE PETITIONER BEFORE THE RESPONDENTS.

EXT.P.5: COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE R.4.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.26162 of 2007-M

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that respondents 5 and 6 are harassing her physically and mentally. Though the police have been moved against the harassment, they are not taking any action, it is alleged. The 5th respondent is one of her daughters and the 6th respondent is the husband of another daughter. The petitioner seeks protection to her life and property.

2. The 6th respondent has filed a counter affidavit, denying the allegations against respondents 5 and 6. According to the said respondent, the 6th respondent and his wife are residing in the very same house along with the petitioner. The 5th respondent, who is working at Thiruvananthapuram, visits the tharavadu house only occasionally. The petitioner has got two sons. They want to drive out the daughters and sell the property and they are behind the complaint filed by the petitioner and under their influence, she has filed this Writ Petition, it is submitted. The learned Government Pleader upon

instruction submitted that the petitioner is at present, residing at Palakkad along with her son. Further, the residential building of the petitioner is very near to Mathilakom Police Station. If there is any problem for her, she can inform the Police and in that event, the Police shall look into the same, it is submitted.

3. Basically, the dispute raised in this Writ Petition is a family dispute which has to be resolved before other forums. But, if any one is trying to cause any physical harm to the petitioner, she may move the 4th respondent. In that event, the said respondent will look into the same and take appropriate action in accordance with law.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

18.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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